

### **REMARKS**

The Official Action dated February 23, 2006 has been carefully considered. It is believed that the present Amendment places this application in condition for allowance. Reconsideration is respectfully requested.

Initially, Applicant notes that a Preliminary Amendment was submitted upon the filing of this application on July 3, 2003. The Preliminary Amendment appears in the electronic online version of the application. Rather than delaying prosecution by requesting reissuance of the Official Action, Applicant has reviewed the Official Action in light of the claims presented in the Preliminary Amendment to expedite prosecution of the application. Particularly, the Preliminary Amendment cancelled claims 1-25 and presented new claims 26-55. New claims 26-32, 34-36, 38-41, 43, 44, 42, 45-51, 53 and 55 contain limitations from original claims 1-25, respectively. Additionally, claims 33, 37, 45, 52 and 54 contain optional or preferred limitations from original claims 7, 10, 16, 23 and 24, respectively.

By the present Amendment, the specification is amended to correct typographical errors. Claim 28 is also amended to correct a typographical error. It is therefore believed that these changes do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested.

In the Official Action, the Examiner indicated that claims 23-25 are allowed. As claims 51, 53 and 55 respectively contain limitations from claims 23-25, Applicant submits that claims 51, 53 and 55 should similarly be indicated as allowed. Further, claims 52 and 54 depend from claims 51 and 53, respectively, and therefore are also believed to be allowable. Reconsideration is respectfully requested.

In allowing claims 23-25, the Examiner stated that the prior art does not disclose or render obvious the combination as claimed, specifically including machining the periphery

surface of the device such that the grooves extend from an internal surface of the bottom wall to the exterior surface of the bottom wall when the insert is positioned into the aperture.

Applicant notes however that while claim 53 recites a step of machining a wall of the formed aperture such that grooves are created in the wall and extend from an internal surface of the bottom wall to its exterior surface, claims 51 and 55 do not recite such a machining step. The Examiner further stated that the prior art of record does not disclose or render obvious the positioning of the cone-shaped body into the aperture by inserting the insert into the housing, point first, so that the periphery surface of the cone-shaped body contacts the wall of the aperture creating a passage designed as a number of tube-like flow paths between the aperture and the body. Applicant notes that while claim 53 recites a step of positioning the essentially cone-shaped body into the aperture by inserting the insert into the housing, a point thereof first, so that the periphery surface of the cone-shaped body contacts the wall of the aperture creating a passage designed as a number of tube-like flow paths between the aperture and the body, claims 51 and 55 do not recite this limitation. Nonetheless, Applicant submits that the combination of steps recited in each of claims 51, 53 and 55 are neither disclosed nor rendered obvious by the prior art of record, whereby these claims are allowable over the prior art of record.

Claims 19 and 21 were objected to as being dependent upon a rejected based claim, but the Examiner indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 47 and 49 respectively include limitations from claims 19 and 21. Accordingly, Applicant submits that these claims similarly contain allowable subject matter, and reconsideration is respectfully requested. Applicant reserves the right to rewrite these claims in independent form throughout prosecution of this application.

Claims 1-6, 8, 9, 11-15, 16, 18, 20 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by the Dalto et al U.S. Patent No. 5,074,843. The Examiner asserted that Dalto et al disclose all of the limitations of claim 1 and the rejected dependent claims.

This rejection is traversed and reconsideration is respectfully requested. Applicant submits that Dalto et al neither teach nor suggest a jet injector as recited in independent claim 26, containing limitations from original claim 1. More particularly, the jet injector for injecting a liquid medical drug through the skin of a person to be treated as defined by claim 26 comprises a defined housing and a defined body which create a coherent jet stream emerging from the jet injector. The housing is adapted to be pressurized and hold the medical drug and is defined by an enclosing periphery wall and a bottom wall having an internal surface facing the interior of the housing and an opposite external surface. The bottom wall has at least one through passage extending between the interior and exterior surfaces and through which, when the injector is used, the medical drug is adapted to be expelled from the housing and transformed into a thin jet stream penetrating the skin of a person. The through passage includes a flow confining restriction to develop a high pressure in the medical drug expelled from the housing. The body is connected to the passage and tapers in a direction away from the passage and terminates in a point. The body has a periphery surface adapted to receive the expelled medical drug and guide the expelled medical drug towards the point to create a coherent jet stream emerging from the point.

In contrast to the claimed jet injector, wherein a body is connected to a passage extending between the internal and external surfaces and has a periphery surface adapted to receive and guide expelled medical drug toward a point to create a coherent jet stream, Dalto et al disclose an injection device including a plurality of injection holes to provide a fine spray of a medicinal substance (column 1, lines 52-60). More specifically, Dalto et al

disclose an injection head 12 as shown in Fig. 3 for mounting on the end of a tubular body 10. As shown in Fig. 2, a piston 26 expels a drug through an axial hole 30 provided in a rounded apex 28 of the conical end 24 of the tubular body 10. The drug is then distributed to cylindrical ducts 42 for discharge through the plurality of injection holes 38.

However, Applicant finds no teaching or suggestion by Dalto et al of any body which is provided in or otherwise connected with one or more of the ducts 42 or the injection holes 38. Particularly, Applicants find no teaching or suggestion by Dalto et al of any body which is connected to a duct 42 or an injection hole 38 and which tapers in a direction away from the passage and terminates in a point and has a periphery surface adapted to receive and guide expelled medical drug towards the point to create a coherent jet stream emerging from the point. Not only does Dalto et al not teach such a body, the device of Dalto et al provides a fine spray rather than a coherent jet stream.

Anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference.. *In re Robertson*, 49 U.S.P.Q. 2d 1949, 1950 (Fed. Cir. 1999). In view of the failure of Dalto et al to disclose a jet injector as defined in claim 26, including a housing provided with at least one through passage and a body connected to the passage as required by claim 26 to create a coherent jet stream, Dalto et al do not disclose, either expressly or inherently, each and every element of claim 26. Thus, Dalto et al do not anticipate claim 26, or any of the claims dependent thereon. It is therefore submitted that the rejection under 35 U.S.C. §102 based on Dalto et al has been overcome. Reconsideration is respectfully requested.

Claims 7, 10 and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by the Navelier et al U.S. Patent No. 6,623,446. The Examiner asserted that Navelier et al disclose the limitations of these claims and particularly disclose a jet injector formed of

polycarbonate plastic and having spacing means integrated in a surface or wall from which they project.

This rejection is traversed and reconsideration is respectfully requested with respect to claims 32 and 33 containing limitations from original claim 7, claims 36 and 37 containing limitations from original claim 10, and claim 42, containing limitations from original claim 17. Initially, Applicant notes that claims 32, 33, 36, 37 and 42 all depend indirectly from claim 26. Accordingly, these claims include the limitations of claim 26. While Navelier et al may disclose an injector formed of polycarbonate, we find no teaching or suggestion by Navelier et al relating to a jet injector comprising a housing and a body as described in claim 26, particularly a body connected with a passage and tapering in a direction away from the passage and terminating at a point, with a periphery surface adapted to receive and guide expelled medical drug towards the point to create a coherent jet stream emerging from the point. In view of these deficiencies in the teachings of Navelier et al, Navelier et al do not describe, expressly or inherently, each and every element as set forth in claim 26, or claims 32, 33, 36, 37 and 42 depending therefrom. Accordingly, Navelier et al do not anticipate these claims under 35 U.S.C. §102, *In re Robertson, supra*. It is therefore believed that the rejection under 35 U.S.C. §102 based on Navelier et al has been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the rejections set forth in the Official Action, and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Holly D. Kozlowski", written over a horizontal line.

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